

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JUAN CHAVEZ,

Plaintiff,

v.

BROAD CORP. DOES,
JAMIE BEARDLSEY,

Defendants.

Civil Action No. 21-19840 (JXN) (JBC)

OPINION

NEALS, District Judge:

Currently before the Court is Plaintiff Jaun Chavez's Complaint [ECF No. 1] and application to proceed *in forma pauperis* [ECF No. 1-2]. Plaintiff's Complaint is largely difficult to understand. *See generally* Compl., ECF No.1. Based on the information contained in Plaintiff's application to proceed *in forma pauperis*, however, the Court finds that leave to proceed in this Court without prepayment of fees is authorized, 28 U.S.C. § 1915, and will therefore order the Clerk of the Court to file Plaintiff's Complaint. As the Court grants Plaintiff's application to proceed *in forma pauperis*, the Complaint is subject to *sua sponte* screening by the Court. 28 U.S.C. § 1915(e)(2). The Court finds that Plaintiff's Complaint does not comply with the requirements of Rule 8 of the Federal Rules of Civil Procedure and will dismiss Plaintiff's Complaint without prejudice to the filing of an amended complaint within thirty (30) days.

I. BACKGROUND

Plaintiff initiated this action on November 8, 2021. ECF No. 1. Shortly thereafter, on November 15, 2021, this matter was reassigned to the to the undersigned for all further proceedings. ECF No. 3. Plaintiff's Complaint is handwritten and difficult to understand. As best

the Court can construe, Plaintiff commenced this action against Broad Corp. Does and Jamie Beardsley. When prompted to state the facts of his case, Plaintiff alleges that “Jamie has Claudia now. Asked me to come pick it up. Now refusing. Need order/protection [sic] [.]” Compl. at 3. When prompted to state the relief that he is seeking, Plaintiff claims “the appropriate remedy is a humble prayer to the Holy Mother of our Land Jesus Christ – the supreme justice.” *Id.* at 4.

II. DISCUSSION

Under Rule 8, a claim for relief must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Each averment in a complaint must likewise be “concise and direct.” Fed. R. Civ. P. 8(e)(1). A district court may dismiss a complaint *sua sponte* for failure to comply with Rule 8. *Ruther v. State Kentucky Officers*, 556 F. App’x 91, 92 (3d Cir. 2014). A complaint may therefore be dismissed pursuant to Rule 8 where the “complaint is so confused, ambiguous, vague, or otherwise unintelligible that its true substance, if any, is well disguised.” *Id.* (quoting *Simmons v. Abruzzo*, 49 F.3d 83, 86 (2d Cir. 1995)).

Dismissal is proper, therefore, where a complaint is illegible, incomprehensible, or largely unintelligible. *See id.*; *Scibelli v. Lebanon Cnty.*, 219 F. App’x 221, 222 (3d Cir. 2007); *Stephanatos v. Cohen*, 236 F. App’x 785, 787 (2007). In dismissing an unintelligible complaint pursuant to Rule 8, however, the Court must provide the party whose pleading is dismissed an opportunity to amend, therefore the appropriate action when faced with an unintelligible complaint is to dismiss the complaint without prejudice to the filing of an amended complaint. *Ruther*, 556 F. App’x at 92; *Moss v. United States*, 329 F. App’x 335, 336 (3d Cir. 2009); *Simmons*, 49 F.3d at 86–87.

Plaintiff's claims against Defendants are unclear because there is insufficient detail as to what any particular Defendant's actions were or what a Defendant did that caused Plaintiff harm. As a result, the Court cannot discern the true nature of Plaintiff's claims. As such, dismissal of Plaintiff's Complaint is warranted under these circumstances. *Ruther*, 556 F. App'x at 92; *Simmons*, 49 F.3d at 86–87. The Court will therefore dismiss the Complaint without prejudice. Plaintiff, however, shall be given leave to amend the Complaint. *Ruther*, 556 F. App'x at 92; *Moss*, 329 F. App'x at 336; *Simmons*, 49 F.3d at 86–87.

III. CONCLUSION

For the reasons stated above, Plaintiff's application to proceed *in forma pauperis* is **GRANTED**, and Plaintiff's Complaint shall be filed. As Plaintiff has failed to provide the necessary short and plain statement required by Rule 8, however, Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**, and Plaintiff is given leave to file an amended complaint within **thirty (30) days**. An appropriate Order accompanies this Opinion.

Date: March 17, 2022


JULIEN XAVIER NEALS
United States District Judge